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U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 17, 2020

VIA ECF

Hon. Gregory H. Woods
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

MEMORANDUM ENDORSED

Re: *Lin v. Barr, et al.*, No. 20 Civ. 9033 (GHW)

Dear Judge Woods:

This Office represents the government in this action in which plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate his Application to Adjust Status (Form I-485). On behalf of the government, I write respectfully to request an extension of time of 60 days to respond to the complaint (*i.e.*, from December 28, 2020 to February 26, 2021). I also respectfully request that the initial conference scheduled for February 2, 2021 be adjourned *sine die* or, in the alternative, to a date at least one week after February 26, 2021.

The extension is respectfully requested because USCIS has issued a notice to plaintiff requesting additional information in regards to her Form I-485. Although plaintiff’s response is not due until April 13, 2021 (which includes an additional sixty days due to the pandemic), plaintiff’s counsel has informed this Office that she anticipates submitting the information to USCIS next week. Thus, the government anticipates that the requested extension will provide adequate time for plaintiff to make his submission and for USCIS to receive and review the additional evidence and, potentially, proceed to take adjudicative action, which would render this action moot. This is the government’s first request for an extension of the deadline to respond to the complaint and to adjourn the initial conference. Plaintiff’s counsel consents to these requests.

In addition, in response to the Court’s December 17, 2020 Order, I respectfully note that the parties do not jointly consent to proceed before the assigned magistrate judge for all purposes pursuant to 28 U.S.C. § 636(c). *See* ECF No. 5.

I thank the Court for its consideration of this letter.

Respectfully submitted,

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Application granted. The deadline for Defendants to answer or otherwise respond to the Complaint is extended to February 26, 2021. The initial pretrial conference scheduled for February 2, 2021 is adjourned to March 11, 2021 at 4:00 p.m. The joint letter and case management plan described in the Court's order dated October 30, 2020, Dkt. No. 3, is due no later than March 4, 2021.

SO ORDERED.
Dated: December 18, 2020

GREGORY H. WOODS
United States District Judge